

No. 23-13292-G

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

UNITED STATES OF AMERICA,

Respondent/appellee,

v.

MINAL PATEL,

Movant/appellant.

**On Appeal from the United States District Court
for the Southern District of Florida**

**APPELLANT'S UNOPPOSED MOTION FOR
EXTENSION OF TIME TO FILE INITIAL BRIEF**

**RICHARD C. KLUGH, ESQ.
Counsel for Appellant
40 N.W. 3rd Street, PH1
Miami, Florida 33128
Tel. No. (305) 536-1191**

**CERTIFICATE OF INTERESTED PERSONS AND
CORPORATE DISCLOSURE STATEMENT**

United States v. Minal Patel, Case No. 23-13292-G

Appellant, Minal Patel, files this Certificate of Interested Persons and Corporate Disclosure Statement, listing the parties and entities interested in this appeal, as required by 11th Cir. R. 26.1.

Aetna, Inc., a subsidiary of CVS Health Corporation (CVS)

Argentieri, Nicole M.

Bentley III, A. Lee

Besen, Gene R.

Brown, Richard O. I.

Calderon, Marx

Centene Corporation (CNC)

Centers for Medicare and Medicaid Services

Cuyler Jr., Reginald

CVS Health Corporation (CVS)

Dinnen, Michael W.

Duffy, Jerrob

Dwyer, Jared Edward

Furtado, Kathryn C.

Griner, Shawn

United States vs. Minal Patel, Case No. 23-13292-G
Certificate of Interested Persons (Cont'd)

Goodman, Hon. Jonathan, U.S. Magistrate Judge

Gurskis, Emily

Hayes, James V.

Herbert, Brendan I.

Hirsch, Brett

Humana, Inc. (HUM)

Keown, Lindy Kathryn

Klco, Sara Michele

Klugh, Richard C.

Kosmidis, John

Laserna, Peter A.

Loper, Timothy P.

Lytle, Christopher

Matthewman, Hon. William, U.S. Magistrate Judge

McKeon, Christina

Michaels, Steven S.

Miller, Lisa H.

Orr, Gregory

United States vs. Minal Patel, Case No. 23-13292-G
Certificate of Interested Persons (Cont'd)

Queenan, Patrick J.

Raines, Lauren Goldberg

Ramamurthy, Senthil

Raphael, Kevin E.

Reinhart, Hon. Bruce E., U.S. Magistrate Judge

Rookard, Katherine

Salnick, Michael

Sanders, Jeremy R.

Scanlon, John

Speights, Ric

Sporn, Marc

Sztyndor, Robyn Lynn

United HealthCare Services, Inc., a subsidiary of UnitedHealth Group (UNH)

UnitedHealth Group (UNH)

WellCare Health Plans, Inc., a subsidiary of Centene Corporation (CNC)

Zimet, Bruce Alan

Ziros, Athanasios

**APPELLANT’S UNOPPOSED MOTION TO EXTEND
TIME TO FILE APPELLANT’S INITIAL BRIEF**

Appellant, Minal Patel, through undersigned counsel, respectfully requests that the Court grant an extension of time of 30 days to file his initial brief.

1. This is an appeal from the defendant’s conviction and 27-year sentence following a jury trial on charges of Medicare fraud, money laundering, and false statements arising from an extensive federal investigation of health care and wire fraud in the provision of, and insurance billing for, genetic testing for cancer risks. Appellant’s initial brief is due on August 30, 2024. Prior unopposed extensions of time have been granted in light of the extraordinarily extensive record in this case. As to the undersigned, this is a cold record appeal. The defendant is incarcerated.

2. The record in this appeal is unusually voluminous and complex. The charges include fraud, conspiracy, kickbacks, and money laundering, with the sums allegedly involved exceeding \$450 million. The district court imposed forfeiture in the amount of \$187,369,693, in addition to a restitution judgment in the same amount. There are more than 2,000 government trial exhibits, with many consisting of extensive compilations of documentary and medical records. There are more than 3,000 pages of transcripts of district court proceedings and more than 580 docketed filings. The case involves complex medical and scientific issues on genetic testing

and first impression issues arising from the charged genetic testing fraud.¹

3. This extension of time is sought to allow appellate counsel additional time to review the extensive record, including substantial sealed portions of the district court record and related proceedings as to which a motion to unseal is presently pending in a related matter, and to thereby ensure effective assistance of counsel on appeal. Counsel has, in cooperation with counsel for the government and former counsel for the appellant, taken steps to obtain access to numerous sealed filings in, or relating to, the case—particularly relating to a central issue on appeal concerning trial counsel’s multiple conflicts of interest as to alleged co-conspirators and essential witnesses. The undersigned seeks additional time to review sealed district court proceedings with the defendant and former counsel. Counsel is also undertaking diligent efforts to secure additional sealed filings and transcripts, including particularly in relation to trial and post-trial issues of conflict of interest of counsel for the defendant.

4. In addition to the important case-specific factors, undersigned counsel faces conflicting schedule demands that warrant granting the extension request.

¹ The testing at issue included cancer genomic (CGx) testing, using DNA sequencing to detect mutations in genes that could indicate a higher risk of developing certain types of cancers in the future, and pharmacogenetic (PGx) testing, using DNA sequencing to assess how the body’s genetic makeup would affect the response to certain medications.

Counsel's filing and hearing deadlines in several other cases over the next three weeks, include the initial brief in *United States v. Alexander*, Nos. 23-11322, 23-11523, 23-12282, on September 3, 2024; the petition for writ of certiorari in *United States v. Larche*, No. 21-12352, on September 5, 2024; and the initial brief in *United States v. Waked*, No. 22-13312, on September 9, 2024. Counsel's other immediate competing schedule demands include pre-sentencing filing deadlines in federal criminal cases on September 4 and 5, 2024 (in *United States v. Polit*, S.D. Fla. No. 22-200114-cr-KMW, and *United States v. Rene*, S.D. Fla. No. 24-cr-20020-JEM, respectively), and the need to meet with incarcerated defendants in those matters prior to the sentencing hearings on September 9, 2024, and September 18, 2024, respectively. Counsel filed the initial brief in *United States v. Gatta*, 11th Cir. No. 24-10631, on August 26, 2024, and counsel faces multiple additional filing deadlines over the next three weeks. Granting the extension of time will serve the interests of justice and judicial economy.. The totality of the circumstances warrants granting the requested extension of time.

5. Counsel for the government, United States Department of Justice Attorney Jeremy Sanders, advises that the government does not oppose this motion.

WHEREFORE, appellant Minal Patel, respectfully moves to extend the time to file his initial brief by 30 days to September 30, 2024.

Respectfully submitted,

s/ Richard C. Klugh
Richard C. Klugh, Esq.
40 N.W. 3rd Street, PH1
Miami, Florida 33128
Tel. (305) 536-1191
rklugh@klughlaw.com

CERTIFICATE OF COMPLIANCE

I hereby certify that this motion contains 695 words and complies with the typeface and type-style requirement of Fed. R. App. P. 32(a)(5) and (6) because it was prepared in a WordPerfect proportionally spaced Times New Roman 14-point font.

s/ Richard C. Klugh
Richard C. Klugh, Esq.